

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW
YORK
BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KELLY PRICHARDO,

Plaintiff,

-against-

FIFTY FIVE LONG ISLAND CORP. d/b/a
Privileged, Matthew Robinson, Allison Monfort
and Cindy R Devitt,

Defendants.
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AMON, United States District Judge:

NOT FOR PUBLICATION
MEMORANDUM & ORDER
20-CV-2652 (CBA) (RML)

On June 5, 2020, plaintiff Kelly Prichardo (“Plaintiff”) filed suit against defendants Fifty Five Long Island Corp. (doing business as “Privileged”), Matthew Robinson, Allison Monfort, and Cindy R. Devitt (“Defendants”). Plaintiff alleged violations of the Fair Labor Standards Act (“FLSA”) and the New York Labor Law (“NYLL”) for failure to pay proper minimum wages as well as other statutory violations under the FLSA and NYLL. Defendants never answered Plaintiff’s complaint and failed to otherwise move with respect to the complaint. (Report and Recommendation, ECF D.E. No. 13 (“R&R”) at 1.)

Plaintiff requested a certificate of default on September 28, 2020. (D.E. No. 9.) On October 2, 2020, the Clerk of Court issued a certificate of default against Defendants. (D.E. No. 10.) On November 4, 2020, Plaintiff moved for default judgment. (D.E. No. 11.) On November 10, 2020, I referred Plaintiff’s motion for default judgment to United States Magistrate Judge Robert M. Levy for report and recommendation. Magistrate Judge Levy issued his report and recommendation on August 2, 2021. In that report and recommendation, Magistrate Judge Levy recommended granting Plaintiff’s motion for default judgment and entering default judgment against Defendants jointly and severally. Magistrate Judge Levy recommended an award of \$197,590, consisting of \$46,235 in unpaid wages, \$47,500 in improperly deducted gratuities,

\$10,000 in statutory penalties for wage notice and statement violations, and \$93,735 in liquidated damages. Plaintiff served a copy of Magistrate Judge Levy's report and recommendation on the Defendants on August 4, 2021.

Neither Defendants nor Plaintiff have objected to the report and recommendation, and the fourteen-day period for doing so has passed. When reviewing a report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). When no timely objection has been made, "a district court need only satisfy itself that there is no clear error on the face of the record." Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (quoting Wilds v. United Parcel Serv., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003)). I have reviewed the record, and finding no clear error, I adopt the report and recommendation, awarding Plaintiffs \$197,590 in damages.

The Clerk of Court is respectfully directed to enter judgment accordingly in this case.

SO ORDERED.

Dated: September 14, 2021
Brooklyn, New York

/s/ Carol Bagley Amon
Carol Bagley Amon
United States District Judge